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# NASA Procedural Requirements

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Request Notification of Change

 (NASA Only)**Subject: NASA Occupational Health Program Procedure****Responsible Office: Office of the Chief Health & Medical Officer**

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## Chapter 6. Federal Workers' Compensation (FWC) Program

### 6.1 General

6.1.1 The FECA provides for the payment of workers' compensation benefits for temporary and long-term disabilities to civilian officers and employees of all branches of the Government of the United States due to employment-related injury or disease. Benefits include compensation for wage loss, schedule awards, medical and related benefits, and vocational rehabilitation. FECA also provides for payment of monetary compensation to survivors of employees whose death resulted from a work-related injury or illness. The FECA is a remedial self-insurance system, with proceedings under it categorized as non-adversarial.

6.1.2 The responsibility for administering the FECA is assigned to the Director of the Department of Labor (DOL) Office of Workers' Compensation Programs (OWCP). The Director, OWCP, and his/her designees have the exclusive authority to administer, interpret, and enforce the FECA provisions.

6.1.3 NASA as a Federal Agency is responsible for:

- a. Assisting with employees' timely submittal of claims to DOL;
- b. Ensuring that Agency staff who handle compensation claims are adequately trained;
- c. Submitting to OWCP all relevant and probative factual and medical evidence in its possession;
- d. Ensuring that facts surrounding each injury and illness are adequately investigated to determine the validity of claims;
- e. Obtaining medical status information from OWCP or injured employees as often as necessary, within OPM and OWCP regulations;
- f. Assessing employees' potential return to regular, light, or limited duty and advising employees' physicians of any light-duty assignments or modified positions available;
- g. Monitoring chargeback billings to ensure accuracy and awareness among stakeholders;
- h. Staying in contact with injured employees while they are receiving compensation; and
- i. Establishing organized recordkeeping systems to maintain copies of claim forms, medical reports, correspondence, and other compensation claim-related materials.

6.1.4 Other facets of FWC benefits and how they are handled in concert with OPM benefits (e.g., disability benefits,

disability annuities, benefits election) are described in the DOL Claims Examiner Procedure Manual located on the DOL OWCP Web site.

6.1.5 FWC claim processes and requirements detailed in Appendix H shall be considered part of this Chapter.

## 6.2 Presidential Orders and Department of Labor Initiatives

6.2.1 The President of the United States periodically directs Federal agencies to comply with specific annual targets and deadlines related to employee injuries, illnesses, and return to work rates (e.g., SHARE, POWER).

6.2.2 Executive Order 13548, Section 3, requires that agencies make special efforts to improve, expand, and increase successful return to work outcomes for employees who sustain work-related injuries and illnesses under FECA, by increasing the availability of job accommodations and light or limited duty jobs, removing disincentives for claimants to return to work, and pursuing ways to foster improved return to work outcomes.

6.2.3 NASA Centers shall comply with any mandate, order, or initiative set forth by the President or DOL related to the implementation of the FECA.

## 6.3 Chargeback

6.3.1 The FECA program is financed by the Employees' Compensation Fund and is managed by the DOL and OWCP. Costs of employee workers' compensation paid out of this fund are charged back to employing agencies annually at the end of the DOL fiscal accounting period that runs from July to June.

6.3.2 Annually, OWCP sends NASA a bill with a list of FECA-related payments (e.g., medical, compensation, schedule awards) made from the fund on behalf of NASA employees.

6.3.3 Chargeback costs paid to DOL by NASA each fiscal year cover the costs incurred two years previous. Annual chargeback cost trends are used by NASA to estimate the amount designated in its budget requests to Congress. The sums appropriated by NASA are then deposited in the fund.

## 6.4 Roles

6.4.1 The OCHMO provides NASA Centers with guidance and recommendations on the implementation of FWC programs.

6.4.2 The Director of Health and Medical Systems ensures regular periodic reviews of the FWC case management at the Johnson Space Center for astronaut claims and the NASA Shared Services Center (NSSC) for all other NASA site claims.

6.4.3 The Agency's FWC Manager is a civil service employee who works in the NASA CHMO, Health and Medical Systems (H&MS) Division. The FWC Manager provides information and guidance Agency wide regarding OWCP requirements and serves as the liaison to DOL for the FWC program. The Agency FWC Manager reports to the Director of H&MS.

6.4.4 NASA Center management monitors chargeback costs incurred for their location, illness and injury trends that potentially impact overall employee safety and productivity, and notifies the Agency FWC Manager of any cases that may be of concern (e.g., high visibility, sensitive) or require additional considerations.

6.4.5 NASA Injury Compensation Specialists (ICS's) may be civil service employees or contractor employees located at the NSSC. ICS's conduct FWC case management for the entire eligible NASA workforce. Contractor ICS's work closely with civil service employees knowledgeable in FWC.

6.4.6 Center Occupational Medical Clinic staff serve as the medical points of contact and provide expertise when assisting ICS's with injured employee FWC medical claim-related documents.

6.4.7 Center Safety representatives provide claim-related information and evidence to ICS's regarding investigations, circumstances, and details related to employee injuries.

6.4.8 Supervisors of injured or ill employees interface and communicate with other FWC Program stakeholders, including Safety, Medical, Human Capital, and ICS's. Supervisors are usually the first individuals to be notified about an employee's occupational-related injury or illness. Supervisors inform employees of their right to file for Federal Workers' Compensation benefits.

6.4.9 Center Human Capital representatives serve as points of contact for injured employee supervisors and ICS's to identify return to work opportunities, provide employee job descriptions, and provide information about options for offering permanently disabled employees alternative or modified work environments. Center HR Specialists develop and extend job offers to disabled employees.

6.4.10 NASA payroll offices identify and transmit continuation of pay information to ICS's and coordinate with ICS's to

determine NASA costs and hours for lost work days.

## 6.5 Responsibilities

6.5.1 Agency FWC Manager responsibilities shall include:

- a. Serving as NASA's primary liaison with the DOL and OWCP;
- b. Determining and assigning ICS level of access to DOL databases and systems (e.g., Employees Compensation Operations Management Portal (ECOMP), Agency Query System (AQS), Agency Reviewer Imaging [Ari]);
- c. Providing analytical data related to occupational-related injuries and illnesses to the H&MS Director and other NASA Center FWC stakeholders;
- d. Communicating changes in OWCP requirements/procedures/guidelines to appropriate entities and individuals Agency wide;
- e. Training ICS's on specific information and processes used for FWC case management and electronic systems;
- f. Notifying OWCP of errors in chargeback billing;
- g. Establishing internal requirements for the Agency FWC Program;
- h. Transmitting additional information to ICS's regarding illness and injury reports received from Safety;
- i. Participating in periodic training and/or attending FWC-specific meetings to remain current on DOL policies, regulations, and initiatives;
- j. Ensuring a process is in place to assist employees in the event of a (1) NASA shutdown, (2) furlough, or (3) weather related event that may cause an interruption of service at the NSSC; and
- k. Coordinating with the various Center Office of Inspector General representatives whenever a NASA FWC case is recommended by an ICS for investigation.

6.5.2 NASA Center management shall ensure that representatives from the Centers' Occupational Medical Clinics, Safety, and Human Capital collaborate and communicate with ICS's to facilitate successful case management and employees' return to work in limited, light, or full capacity based on employees' medical status.

6.5.3 Center Occupational Medical Clinic staff responsibilities shall include providing ICS's with employees' claim-related medical information required to file claims, including information related to employees' pre-existing conditions. Medical clinic staff shall also provide assistance to ICS's to decipher claim-related medical diagnoses and physician notes and provide feedback and assistance in determining injured employees' potential return to work options.

6.5.4 Center Human Capital Office responsibilities shall include working with ICS's and providing documentation (e.g., position descriptions, potential accommodations) that will expedite returning employees to work in some capacity, based on their medical status.

6.5.5 NASA payroll offices shall assist ICS's in identifying continuation of pay (COP) hours and costs incurred for reporting to the Agency FWC Manager.

6.5.6 Center Safety representatives shall provide information and investigatory details to ICS's and injured employee supervisors to be submitted with FWC claims.

6.5.7 Supervisors of injured employees shall review and complete required FWC forms and assist ICS's and Human Capital representatives to identify light-duty and modified jobs for employees who are eligible for return to work in some capacity based on their medical status. Other responsibilities of supervisors shall include:

- a. Ensuring employees are informed of their right to file a claim;
- b. Directing employees to the NASA Center onsite medical clinic, when necessary; and
- c. Relaying claim-related information to ICS's that may be included with paperwork

transmitted to the DOL, such as: diagrams showing where injuries occurred, verification of the time of injuries, the employee's purpose for being on premises at the time of injury, a description of the presence of witnesses,

verification whether the employee was on official duty at the time of injury, and statements disputing the claim or supporting controversion of COP.

6.5.8 ICS responsibilities shall include:

- a. Assisting employees with claim paperwork in accordance with OWCP mandated timelines, procedures, and methods, including forms CA-16, CA-1, CA-2, and CA-7;
- b. Assisting injured-employee supervisors with completion of claim forms;
- c. Taking initial and periodic refresher training administered by an OWCP district office or equivalent;
- d. Proficiently using DOL electronic Web-based systems (e.g., AQS, ARi, ECOMP) to complete, submit, and review NASA employee claims status, in accordance with confidentiality, security, and privacy rules;
- e. Coordinating and communicating regularly with the Agency FWC Manager;
- f. Tracking and reconciling continuation of pay hours, costs, and compensation and medical costs for all active Center cases;
- g. Maintaining paper and electronic records of employee claims pursuant to DOL requirements and methods;
- h. Providing FWC active case reports to each NASA Center Director and other Center management in a format determined by the Center, whenever requested;
- i. Maintaining the current status of, and documenting the progress for, claimant injury/illness and return to work capabilities;
- j. Informing Center supervisors and employees about their responsibilities and rights concerning on-the-job injuries and illnesses which may be accomplished through new employee orientations, descriptions in employee handbooks, Web-based training classes, and similar methods;
- k. Supporting and maintaining communication with employees, employee supervisors, and NASA medical clinic representatives throughout the FWC treatment and return-to-work process, including monitoring appropriateness and effectiveness of medical care being provided, assessing employee compliance with treatment recommendations, and facilitating employees' return to work within medical limitations;
- l. Reviewing quarterly DOL chargeback reports to identify errors and issues that require further research and reporting them to the Agency FWC Manager as soon as possible;
- m. Reviewing second opinion medical reports and/or requesting assistance from the Center medical clinic to review claimant medical reports or interpret medical evidence;
- n. Reviewing case documents for discrepancies or flagging information that seems inappropriate and notifying the Agency FWC Manager about the concerns;
- o. Requesting the OWCP Claims Examiner consider mandating a second opinion medical exam or referee medical exam;
- p. Reviewing cases quarterly on the periodic rolls to determine whether the claimants' or survivors' status has changed due to death, return to work (limited or full time), or a change in medical status so that NASA can research the possibility of closing cases or arrange for an offer of employment to the claimant;
- q. Recommending to the Agency FWC Manager cases that warrant further review by the Inspector General's office;
- r. Identifying and communicating to the Agency FWC Manager issues that appear to be impeding the ability to return an employee to work, the ability to obtain a supervisor's signature on a claim form, the ability to obtain medical authorization for an employee's treatment, and other situations that could impact assistance to the employee in obtaining treatment or the timeliness of filing a claim to the DOL;
- s. Ensuring that the Agency FWC Manager is aware of ICS's communications with the DOL, aside from routine communications with claims examiners;
- t. Providing guidance to injured employees' medical providers regarding the claims billing process and DOL's

requirements;

- u. Emphasizing and communicating to injured employees' medical providers of the availability of modified work positions and/or telework opportunities;
  - v. Periodically reviewing the DOL/OWCP Web site to learn of new regulations, requirements, training opportunities, and revisions to Agency reference documents;
  - w. Consulting DOL manuals, procedures, and guidance to research answers to case management questions;
  - x. Completing the Agency FWC Manager's quarterly request for new case information (COP costs/hours, injury details, age, and gender of claimants, etc.) using the template/format provided;
  - y. Ensuring that injured employees are informed about WebTADS and how to record COP; and
  - z. Reviewing cases to determine whether COP controversion is appropriate.
- aa. Immediately notifying the Agency FWC Manager of any employee deaths, multiple injuries/illnesses from events likely to result in multiple claims, schedule awards for injuries/illnesses in excess of \$25,000, or acceptance of any hearing loss claims;
  - bb. Advising OWCP if an employee's pay rate includes elements of pay such as night and Sunday differential and whether the employee has received the increments regularly (in which case the biweekly amount should be stated) or sporadically (in which case the employee's entire earnings in the relevant pay category for the year preceding the injury should be stated);
  - cc. Notifying, in writing, the OWCP claims examiner/district office when an injured worker returns to work and ensuring that the Agency FWC Manager is copied on the correspondence;
  - dd. Providing special assistance to non-appropriated fund employees with their claims since they work for private entities; and
  - ee. Communicating to the NASA workforce about the process and procedures in place to handle FWC-related actions and activities if there is an Agency-wide shutdown/furlough or other event (e.g., weather-related) that impacts ICS's ability to personally assist employees with claims.

6.5.8.1 NSSC ICS's' responsibilities on a case-by-case basis shall include:

- a. Assisting employees who have received collection notices for DOL's non-payment of medical bills to determine whether incorrect medical provider coding is the cause;
- b. Providing a list of medical providers that are known to accept FWC cases for the injured employee to review;
- c. Finding out from the injured employee if he/she has contacted NASA's medical evacuation vendor to render medical assistance and/or transportation when an employee becomes ill or injured while on international travel status; and
- d. Periodically researching other sources of information (e.g., obituaries, local newspaper articles) to identify potential changes in periodic roll claimants' status.

## **6.6 Employee Eligibility to File a Claim**

6.6.1 NASA civil service employees are covered by the FECA.

6.6.2 Coverage is extended to civil service employees regardless of the length of time on the job or the type of position held. Probationary, temporary, and term employees are covered on the same basis as permanent employees. Part-time, seasonal, and intermittent employees are also covered.

6.6.3 The OWCP has determined that employees of exchanges operated by NASA and employees who work in cafeterias and other facilities designed for the welfare of NASA employees are considered civil service employees under the FECA.

6.6.4 Special circumstances may apply to contract employees, volunteers, and loaned employees; the DOL determines compensability.

## **6.7 Employee Requirement to File Claim**

6.7.1 Civil service employees are not required to file FWC claims if they are injured or become ill at work; it is strictly their decision to file; however, employees shall report all job related injuries or illnesses to their supervisors.

6.7.2 NASA employees shall never be asked to enter into any agreement (oral or written), either before or after an illness or injury, that would waive his or her right to claim compensation under the FECA. No waiver of compensation



rights shall be valid.

6.7.3 NASA shall never prevent employees from filing claims under any circumstances, nor give employees the impression, directly or indirectly, that the Agency has the authority or ability to adjudicate a claim.

6.7.4 NASA shall never suggest or recommend to an employee that he/she not file a claim, regardless of the nature of the injury or accident, circumstances, or perceived validity of the claim. NASA may provide evidence (witness statements, photographs, copies of investigative reports, medical reports) to submit to OWCP if a claim's validity is questioned.

6.7.5 Claims in process within NASA shall never be delayed due to the claimant or NASA not providing supporting documentation. Supporting documentation can be submitted to the DOL electronically or in hard-copy after the initial claim form is completed, signed, and transmitted.

## **6.8 Determining Compensability of a Claim**

6.8.1 The DOL determines whether a claim submitted is compensable, and some unique claims are adjudicated on a case-by-case basis depending on timeliness, circumstances, and evidence provided. Detailed criteria regarding compensability is located in 20 CFR Part 10 Claims for Compensation under the FECA, as amended. In general, claims meeting the following criteria would be compensable:

a. A "performance of duty" injury or illness occurs on NASA's premises during working hours

while an employee is performing assigned duties or engaging in an activity reasonably associated with their employment. On-premises coverage extends to an employee's use of facilities for comfort, health, and convenience, as well as eating meals and snacks provided on the premises. On-premises includes areas immediately outside an employee's workplace, such as steps or sidewalks if they are Federally-owned or maintained. Coverage extends to employees who are on the premises for a reasonable time (e.g., 30 minutes) before or after working hours;

b. An employee is injured while engaged in formal recreation for which he or she is paid or is required to perform as part of training or assigned duties;

c. An employee engaged in informal recreation, such as jogging, is injured while on NASA's premises; and

d. An employee who momentarily steps outside the sphere of employment and is injured after assisting in an emergency, such as to extinguish a fire or help a person hit by a car.

6.8.2 In general, claims for employees performing assigned duties offsite are also compensable, such as:

a. Running official government-related errands;

b. Conducting special missions;

c. Teleworking; and

d. In-travel status. Coverage is 24 hours per day for all activities incidental to the work

assignment (but not recreational or sightseeing trips), including obtaining meals, using the hotel room, and traveling between the hotel and worksite. Claims filed should include a copy of the employee's travel orders.

## **6.9 Records and Confidentiality**

6.9.1 Per 20 CFR, Section 10.11, all records relating to claims for benefits filed under the FECA, including any copies of such records maintained by NASA, are covered by the Government-wide Privacy Act system of records entitled DOL/GOVT-1. This system of records is maintained by and under the control of OWCP; all records covered by DOL/GOVT-1 are official records of OWCP.

6.9.2 The protection, release, inspection, and copying of employee claim records covered by DOL/GOVT-1 shall be accomplished in accordance with DOL rules, guidelines, and provisions, as well as those contained in 29 CFR parts 70 and 71, and with the notice of the system of records and routine uses published in the Federal Register.

6.9.3 All copies of documents in DOL/GOVT-1, including original forms and duplicate copies maintained by NASA ICS's, are governed by DOL. Documents are subject to the routine uses published in DOL/GOVT-1 and subject to the DOL's interpretation of its own routine uses.

6.9.4 NASA ICS's shall have access to FWC files by virtue of their routine use under DOL/GOVT-1, which permits disclosure, but requires handling information with care.

6.9.5 All records relating to claims for benefits are considered confidential and may not be released, inspected, copied, or otherwise disclosed except as provided in the Freedom of Information Act and the Privacy Act of 1974 or under the routine uses provided by DOL/GOVT-1, if such release is consistent with the purpose for which the record was created.

6.9.6 ICS's shall be located in separate, permanent, solid-walled (not portable/cubicle/modular) offices where injured employee personal and medical data can be reviewed and discussed on the telephone confidentially with claimants, medical providers, and the DOL.

6.9.7 Per the NASA and DOL Memorandum of Understanding Rules of Behavior, employees' confidential and/or sensitive claimant information shall be protected from disclosure. ICS's computer monitors shall not directly face an area that could allow an unauthorized person to see the contents displayed on the screen. An unauthorized person is defined as anyone who does not fall into the routine use category of individuals authorized to access FWC data.

6.9.8 FWC case information containing an employee's personally identifiable information that needs to be transmitted electronically (e-mail) shall be sent only when necessary and by using encryption (public key infrastructure) mechanisms.

## **6.10 Recordkeeping, Retention, and Requests for Copies**

6.10.1 Documents in an employee's FWC case file shall include medical reports, copies of letters and decisions, and any other material which is part of the claim, regardless of its source. These documents shall be maintained in folders apart from the employee medical folder (EMF) or Official Personnel Folder.

6.10.2 Employee case files shall not be considered a "system of records" but classified as an alternate location for the records which always remain under the jurisdiction of OWCP.

6.10.3 A notice of injury not filed with OWCP (e.g., first aid) shall be placed in the employee's EMF and retained in accordance with OPM regulations governing disposal of the EMF.

6.10.4 Any request to amend a record covered by DOL/GOVT-1 shall be directed to the OWCP District Office having custody of the official file. NASA does not have the authority to issue determinations with regard to requests for the correction of records contained in or covered by DOL/GOVT-1. Any request for correction received by NASA shall be referred to OWCP for review and decision.

6.10.5 ICS's shall maintain case file records in a secure and locked location. Records shall be stored and locked in a file cabinet or drawer whenever the ICS leaves his/her desk.

6.10.6 NASA case file copies shall be retained until three (3) calendar years after case closure, after which all copies of records shall be disposed of securely, shredded, or burned except for claim forms with original signatures (e.g., Form CA-1, Form CA-2, Form CA-5, Form CA-7, CA-7a).

6.10.7 Injured employee and injured employee supervisor original find forms shall be retained securely in a retrievable manner for 15 years after the case files have closed per DOL/GOVT-1 requirements.

6.10.8 Exceptions to destruction requirements after case closure are discretionary. Typical candidates for longer retention include cases with a clear likelihood of a schedule award that has not yet been claimed, or cases where experience shows that there may be long-term residuals requiring medical intervention in the future.

6.10.9 A claimant seeking a copy of his/her official FECA file may: (a) send a written request to the OWCP and/or (b) provide a written request to a NASA ICS. NASA shall inform claimants that any request sent to the OWCP should reference the claimant's case number on the top of every page of the request. Claimants are entitled to one free copy of their case from OWCP under the Privacy Act, with updates by written request at no charge.

6.10.9.1 Claimants requesting a copy of their file from the NASA ICS shall be informed that the file may not be complete, since the OWCP is the owner of the official case file and may have additional documents not in NASA's possession.

6.10.9.2 For any documents provided to the claimant by NASA, the NASA ICS shall implement a secure means to provide the documents to the claimant to ensure they are transmitted confidentially and with written confirmation/verification of receipt by the claimant who requested his/her case file.

6.10.9.3 Documentation and details about the issuance of case document copies to the claimant shall be retained in the claimant's NASA case file, with a copy uploaded electronically to ECOMP for inclusion in the official OWCP case file.

6.10.9.4 All requests for file copies shall comply with the rules and regulations of the DOL that govern aspects of safeguarding individuals' case records.

## **6.11 Federal Workers' Compensation — General Process**

6.11.1 Federal Workers' Compensation Claims are typically submitted for either traumatic injuries or occupational disease/exposure/illness. Employees complete and submit form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" or form CA-2, "Notice of Occupational Disease and Claim for Compensation."

- a. A traumatic injury is one that can be pinpointed to have occurred during one particular work shift; and
- b. An occupational disease is a medical condition that has developed due to work activities performed over more than one work shift.

6.11.2 Every work-related injury or illness shall be reported to an employee's immediate supervisor. The supervisor or the onsite OH medical clinic staff shall inform the employee of his/her right to file a FWC claim and refer them to an ICS for assistance.

6.11.3 Whenever possible, employees shall seek treatment onsite at their NASA Center clinic.

6.11.4 Any qualified physician may provide initial treatment of a work-related injury in an emergency.

6.11.5 Physicians employed by or under contract to NASA may examine the employee in accordance with OPM regulations. The employee's Center OH medical clinic staff shall obtain the employee's history, assess the injury or illness, and provide treatment if it is within the scope of the facility's capabilities.

6.11.6 The employee's choice of physician shall be honored, and treatment by the employee's physician shall not be delayed for the purpose of obtaining an Agency directed medical examination.

6.11.7 ICS counseling of injured employees about the claims process shall include:

- a. An explanation regarding the confidentiality of the employee's case, especially handling of personal medical information, HIPAA, and DOL/GOVT-1 routine uses of case file data, and where applicable to HIPPA;
- b. Advising the employee, orally and in writing, as soon as possible of his or her obligation to return to work under 20 CFR §10.210;
- c. Advising the employee of the right to his or her initial choice of physician;
- d. An explanation regarding restrictions (OWCP authorization required) associated with claimants changing their treating physician after their initial choice. NASA cannot authorize an employee's change of physicians;
- e. An explanation of what the OWCP expects to see in a medical report from the treating physician: dates of examination and treatment, employee history, physical findings, results of diagnostics tests, diagnosis, course of treatment, other conditions found but not due to the claimed injury, treatment given or recommendation for claimed injury treatment, medically-based physician's opinion as to the causal relationship between diagnosis and factors or conditions of employment, extent of disability affecting employee's ability to work due to injury, and the prognosis for recovery;
- f. Informing employees that they are required by DOL to advise NASA immediately of their doctor's instructions concerning their return to work; and
- g. Informing employees that COP or compensation may be terminated if an employee refuses work that is within his/her medical restrictions without good cause, or if he/she does not respond within specified time limits to a job offer.

6.11.8 "First aid" injuries include those requiring two or more visits to a medical facility for examination or treatment during non-duty hours beyond the date of injury, as long as no leave or COP is charged and no medical expense is incurred.

6.11.9 If an employee is examined or treated at a NASA Center's OH medical clinic or by medical providers under contract to NASA, and the examination or treatment occurred during working hours beyond the date of injury, the employee's supervisor should check "first aid" in block 39 of the Agency's portion of the CA-1 form and the CA-1 shall be submitted to OWCP via ECOMP.

6.11.10 A copy of the CA-1 form for first-aid only shall be provided to the Center's OH medical clinic for inclusion in the employee's EMF. Retaining a copy of the report in the EMF and submitting a first-aid only report via ECOMP provides a paper trail illustrating the history of the injury in case the employee's condition worsens and he/she decides to formally file a claim.

6.11.11 Injured employee claims shall be filed electronically using the Web-based DOL ECOMP system, which features automatic e-mail reminders to supervisors and ICS's and ensures quick generation of a case number and



fewer delays in adjudication. On rare occasions, it may be necessary and acceptable to file a paper-based claim.

6.11.12 Once an employee (or other individual on his/her behalf) has initiated a claim in ECOMP, the injured employee supervisor receives notification that the form is ready for review.

6.11.13 The supervisor shall complete the Form CA-1 or Form CA-2 in ECOMP within three (3) working days of e-mail notification by the ECOMP system.

6.11.14 ICS's shall assist injured employee supervisors with completion of forms in ECOMP, especially with the use of correct DOL codes (e.g., occupation, type, and source of injury), agency identification, and location of duty station.

6.11.15 ICS's will receive progress tracking information throughout the ECOMP claims process.

6.11.16 After the supervisor signs the form in ECOMP, it is sent to the ICS for final processing.

6.11.17 ECOMP transmits the completed forms and any accompanying downloaded paperwork to the OWCP so that a case number is generated.

6.11.18 The OWCP closely tracks NASA's compliance with FECA statutory timeliness of filing requirements.

6.11.19 Timeliness is determined by the OWCP as part of the adjudication process, regardless of the date of filing.

6.11.20 ICS's and injured employee supervisors shall ensure that the Agency portion of the Form CA-1 or CA-2 is complete and submitted to DOL no more than 10 working days after receiving notice that the form has been initiated by the employee and is ready in ECOMP to be reviewed.

6.11.21 Although employees are responsible for ensuring medical evidence is submitted with claims, ICS's and employee supervisors shall not wait for submittal of supporting evidence by the employee before signing or submitting claim forms to OWCP.

6.11.22 When possible, claims documents shall include supporting information such as medical reports and statements from the employee, the supervisor, and any witnesses.

6.11.23 NASA ICS's shall, in coordination with Safety, the onsite OH medical clinic, and employee supervisors, submit to OWCP all claim-related relevant and probative factual and medical evidence in its possession, as well as evidence it may acquire through investigation or other means. Evidence may be submitted at any time.

6.11.24 NASA ICS's shall complete the Receipt of Notice for CA-1 or CA-2 claims. After the employee signs the original form, a copy of the entire Form CA-1 or CA-2, along with any supporting documentation submitted to OWCP, shall be provided to the employee. A "wet signature" original CA-1 or CA-2 shall be retained by ICS's in the employee case file folder.

6.11.25 ICS's, in coordination with injured-employee supervisors, shall use Form CA-17 to obtain interim medical reports about an employee's fitness for duty.

6.11.26 The Form CA-17 is completed by the employee's physician.

6.11.27 CA-17 forms may be sent to the employee's physician at reasonable intervals but not more than once per week to monitor the employee's medical status and his/her ability to return to light or full duty.

6.11.28 On the Agency's portion of the CA-17 form, a notation of the availability of any light or limited duty shall be made.

6.11.29 To aid in returning an injured employee to suitable employment, the ICS may contact the employee's physician in writing concerning the work limitations imposed by the effects of the injury and possible job assignments. NASA ICS's may not directly contact physicians by telephone or through personal visits. Correspondence sent to and received from an employee's physician shall be uploaded to the employee's case file in ECOMP so that OWCP is aware of this activity.

6.11.30 In accordance with DOL OWCP requirements, NASA Centers shall offer appropriate light or limited duty work for employees' safe and expeditious return to work.

6.11.31 Supervisors of injured employees shall make every effort possible to structure or modify an injured employee's work duties to meet medical limitations and to allow the employee to return to work.

6.11.32 Position descriptions do not need to be modified unless the modification is long term.

6.11.33 An injured employee must accept a reasonable offer of limited duty work that he/she can perform or provide an explanation to OWCP for declining. No further compensation for wage loss is payable once the employee has recovered from the work-related injury to the extent that he or she can perform the duties of the position held at the time of injury, or earn equivalent wages.

6.11.34 If an employee cannot return to the job held at the time of injury due to partial disability from the effects of

the work-related injury, but has recovered enough to perform some type of work, he or she must seek work.

6.11.35 If telework is offered by NASA as an alternative to enable the employee to work, a formal telework agreement between the employee and NASA shall be completed, submitted, and approved.

6.11.36 Offers of work suitable for an employee based on his/her medical status and physical limitations shall comply with 20 CFR 10.507 and other appropriate requirements.

6.11.37 When an employee cannot return to work in any capacity due to injury and pay will be lost (or expected to be lost) for more than 3 days, a Form CA-7, Claim for Compensation on Account of Traumatic Injury or Occupational Disease, shall be submitted.

6.11.38 All wage loss claims must be supported by medical evidence of injury-related disability for the period of the claim.

6.11.39 If the employee does not qualify for continuation of pay (for 45 days), a CA-7 form should be completed and filed with the OWCP as soon as pay stops.

6.11.40 A CA-7 form should also be submitted when the employee reaches maximum improvement and claims a schedule award.

6.11.41 If the employee is receiving continuation of pay and will continue to be disabled after 45 days, the form should be filed with OWCP five working days prior to the end of the 45-day period.

6.11.42 The CA-7 also should be used to claim continuing compensation when a previous CA-7 claim has been made. Employees are not required to use sick or annual leave before claiming compensation.

## **6.12 Traumatic Injury Claims: Form CA-16, Continuation of Pay, and Controversion**

6.12.1 A Form CA-16 is furnished to an employee (i) upon his/her request, (ii) when the employee sustains a work-related traumatic injury that requires an emergency medical examination, emergency medical treatment, or both, or (iii) when issuing the form is a more expeditious method of the employee receiving medical assistance/treatment than NASA's electronically submitting routine claim paperwork (CA-1) via ECOMP to obtain a case number for medical providers to use for billing purposes.

6.12.2 A Form CA-16 cannot be issued unless a notice of injury claim has been or is about to be filed.

6.12.3 A Form CA-16 shall be provided by NASA to the employee within four hours of the time of the notification of injury and/or the request by the employee. If there is no time for NASA to complete a Form CA-16 due to the severity of the employee's injury, medical treatment may be authorized by NASA by telephone with subsequent submittal of the CA-16 within 48 hours to the medical treatment facility where the employee is receiving/received treatment. Telephonic notification to an injured employee's medical provider is accomplished by the same individual at his/her Center who is approved to sign Form CA-16 as the Center's authorizing official in accordance with NASA requirements.

6.12.4 NASA cannot issue a CA-16 more than one week after the occurrence of the claimed injury.

6.12.5 Issuance of Form CA-16 is conducted by each NASA Center/Component Facility "authorizing official."

6.12.6 At NASA, the authorizing official is limited to (in order of signature preference): (i) a Civil Service NASA Center Medical Clinic physician/designated Civil Service nurse, (ii) the Center's Occupational Health Clinic Contracting Officer's Representative/Functional Manager/Technical Monitor, or (iii) the injured employee's supervisor. The individual chosen from this list to sign the CA-16, at any given time, will depend on his/her availability and the need for expediting medical assistance to the employee.

6.12.7 Contractor personnel are not permitted to sign CA-16 forms as an authorizing official since doing so constitutes contractual authority to obligate NASA funds.

6.12.8 If a Center's authorizing official is the Center's Occupational Health Clinic Contracting Officer Representative/Functional Manager/Technical Monitor or the injured employee's supervisor, a consultation with the Center's Occupational Health Clinic Medical Director or primary physician shall be conducted before signing the form and issuing it to the employee.

6.12.9 A Form CA-16 must contain the full name and address of the qualified physician or qualified medical facility authorized to provide service before its issuance to the employee by the authorizing official. Because CA-16 forms are normally only issued in emergency situations (e.g., the employee is going to a hospital emergency room), it is assumed that hospital physicians and hospitals are "qualified."

6.12.10 If the NASA "authorizing official" signing the CA-16 doubts that the injury occurred, or that it is work-related, medical care is authorized but block 6B of the CA-16 form is checked. The CA-16 issuance must not be delayed or hindered for any reasons of doubt.

6.12.11 The employee provides the Form CA-16 (and Form OWCP-1500, if available) to his/her treating physician. A CA-17 may also be provided by NASA to accompany Form CA-16 to ensure the treating physician communicates to NASA the medical status of the employee with respect to returning to work.

6.12.12 Other Form CA-16 information:

- a. Blank forms are controlled since they financially obligate NASA for any medical expenses incurred by the employee, even if the case is ultimately denied by DOL.
- b. Blank forms are controlled and secured at each Center/Component Facility in a method enabling access by personnel at the onsite Medical Clinic (e.g., Civil Service Physician/Nurse), the Center's onsite Medical Clinic COR, and injured employee supervisors. Maintaining a very small quantity of original blank forms ensures their immediate availability in case of an employee emergency.
- c. Blank CA-16 form supplies are provided to the Centers/Component Facilities by a NASA Injury Compensation Specialist or the Agency Federal Workers' Compensation Manager.
- d. Blank CA-16 forms cannot be e-mailed or photocopied in quantities and distributed.
- e. CA-16 authorizes treatment for 60 days from the date of injury, unless OWCP terminates the authorization sooner. If OWCP denies the case, authorization provided by Form CA-16 is invalid after the date of the denial.
- f. CA-16 authorizes payment and treatment and services for office visits and consultations, lab work, hospital services (inpatient included), X-rays, MRIs, CT scans, physical therapy, emergency services (including surgery), and chiropractic services (limited to charges for exams and x-rays to diagnose subluxation of spine and manual manipulation of the spine to correct subluxation found by x-ray). CA-16 does not authorize payment for elective and non-emergency surgery.

## **6.13 Occupational Disease/Exposure/Illness**

6.13.1 Form CA-2 shall be filed within 30 days of NASA's knowledge of the injury.

6.13.2 Any CA-2 claim not submitted within three years will be barred by statutory time limitations unless the employee's immediate superior had actual knowledge of the injury within 30 days of occurrence.

6.13.3 For an employee's death due to disease, time begins to run when the employee's survivor is aware, or reasonably should have been aware, of a causal relationship between the death and the factors of employment.

6.13.4 For CA-2 claims, employees who have retired from NASA may wish to file years after they have left the Agency. ICS's shall request information from the former employee's Center OH medical clinic to determine whether he/she participated in any type of medical surveillance program and include the appropriate documentation with claims submittals. Since former employees' supervisors may no longer be at the Agency, ICS's shall provide any extra assistance to former employees in filing claims.

6.13.5 If submitting a Form CA-2, a Form CA-35 "Evidence Required in Support of a Claim for Occupational Disease" form/checklist shall be provided to employees and submitted with the claims.

6.13.6 For occupational disease or illness cases, COP does not apply. Instead, compensation for lost wages is payable after an initial three-day waiting period in non-paid status. If the disability exceeds 14 days from the time compensation begins, no waiting period is required.

## **6.14 Employee Appeals for Denial of Claim**

6.14.1 Determinations that set forth OWCP's findings in a case and includes a description of the employee's appeal rights is known as a formal decision and are sent to the employee by the OWCP in writing.

6.14.2 OWCP issues a formal decision whenever it reaches an adverse decision about entitlement, such as denial of an initial claim or denial of continuing benefits.

6.14.3 Three avenues of appeal are provided for employees (NASA is not entitled to appeal), and the employee may request only one form of appeal at a time.

6.14.4 Employees are entitled to either an oral hearing before an OWCP representative or a review of the written record (but not both), as long as a request in writing is made within 30 days of the formal decision and a reconsideration has not already been requested. Hearings may be held in person (within 100 miles of the employee's home), by telephone, or video conference at the discretion of the hearing representative. If the hearing is held in person, the employee may present written evidence or oral testimony in support of the case. If a review of the written record is chosen, the employee may not present oral testimony but he or she may submit written evidence or argument.

6.14.5 If an oral hearing is requested, OWCP will advise NASA of the date and time. NASA may have one representative (or more when needed) present at the hearing and/or request a copy of the transcript. NASA may not participate in the proceedings unless specifically invited to do so by the employee or the OWCP representative. For either an oral hearing or a review of the written record, OWCP will allow NASA 20 days to submit comments and/or additional documents, which will be subject to review and comment by the employee within a further 20 day period. After the oral hearing is held or the review of the written record is completed, OWCP will issue a formal decision, including a description of the employee's further appeal rights.

6.14.6 The employee may ask OWCP to reconsider a formal decision made by the district office, stating the grounds on which it is based and accompanied by relevant evidence not previously submitted or arguments for error in fact or law in reaching the contested decision. Reconsideration must be requested within one year of the date the contested formal decision was issued. OWCP will provide NASA with a copy of the employee's request and allow 20 days for submittal of comments and/or documents which will subsequently be subject to the employee's review and comment within 20 days. Following reconsideration, OWCP will issue a new formal decision that includes a description of the employee's further appeal rights.

6.14.7 An employee may request review by the Employees' Compensation Appeals Board (ECAB), which is the highest authority in Federal Workers' Compensation claims. The request is filed directly with the ECAB within 180 days of the date of the decision. The ECAB's review is based solely upon the case record at the time of the formal decision; new evidence is not considered.

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